

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 05-00165-01-CR-W-SOW
	)	
RANDALL E. RUE,	)	
	)	
Defendant.	)	

ORDER

Before the Court is defendant Randall E. Rue's Motion for Judicial Determination of Competency (Doc. # 37). Defendant is currently before the Court on allegations that he has violated the conditions of his supervised release. Defendant, through his counsel, Stephen C. Moss, requested a judicial determination of defendant's competency prior to his supervised release revocation hearing. Counsel for the government did not oppose this request. Defendant was committed to a United States Medical Center for Federal Prisoners to undergo a psychiatric or psychological examination. A Forensic Evaluation, dated January 2, 2007, was prepared by Jeremiah Dwyer and reviewed by Gary Bolz of the Federal Detention Center in Englewood, Colorado. The Evaluation concludes that at the present time the defendant is not suffering from any emotional or mental symptoms that would significantly impair his competency to stand trial, his ability to understand the nature and consequences of the court proceedings against him or his ability to properly assist counsel in his defense. During a hearing on January 16, 2008, defendant Rue and the government stipulated to the Forensic Evaluation.

Therefore, with no objection having been filed and having made an independent review of the record and applicable law, it is hereby

ORDERED that defendant Randall E. Rue's Motion for Judicial Determination of Competency (Doc. # 17) is granted, the Report and Recommendation of Magistrate Judge Sarah W. Hays is adopted in its entirety. It is further

ORDERED that this Court finds that the defendant Randall Rue is not currently suffering from a mental disease or defect that would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his own defense and that he is competent to proceed with a hearing on the issue of whether he violated conditions of his supervised release.

\_\_\_\_/s/ Scott O. Wright\_\_\_\_\_  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: \_\_1/31/2008\_\_\_\_\_